



DICASTERIUM  
DE LEGUM TEXTIBUS

*Circa la possibilità di passaggio alla via extragiudiziale  
tramite modifica del decreto di cui al can. 1718*

Prot. N. 18948/2026

Vatican City June 17, 2026

Dear Sir,

With reference to your request concerning the interpretation of can. 1718 CIC and its relationship with the norms governing the judicial penal process, it seems appropriate to offer the following considerations.

Can. 1718 entrusts the Ordinary, once the preliminary investigation has been completed, with the task of deciding whether to proceed with a penal process and, if so, whether to do so by means of a judicial process or an extrajudicial decree, whenever the law so permits. The same canon also allows the Ordinary to revoke or modify such a decree already issued, within the limits permitted by the overall discipline.

Once the judicial process has begun, however, a transition to the extrajudicial procedure by means of a modification of the original decree is not permitted.

As provided by can. 1512, once the citation has been legitimately communicated, “the case becomes proper to the otherwise competent judge or tribunal before which the action was initiated” (can. 1512, 2°); from that moment, “the litigation begins to be pending; therefore, the principle while litigation is pending, nothing is to be altered immediately takes effect (*lite pendente, nihil innovetur*)” (can. 1512, 5°).

In order to unilaterally transform an already instituted judicial penal process into an extrajudicial penal procedure, the prior and valid cessation of the judicial instance is

required — with due observance also of can. 1724 — as well as a new assessment by the competent authority. Can. 1718 cannot be interpreted in a contrary sense.

Taking this opportunity to express to you my prayerful best wishes, I remain,

Sincerely yours in our Lord

A handwritten signature in blue ink that reads "Juan Ignacio Arrieta".

✠ JUAN IGNACIO ARRIETA

*Segretario*

A handwritten signature in blue ink that reads "Marco Mellino".

✠ MARCO MELLINO

*Segretario aggiunto*